

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rule making related to pre-entry permitting and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 65, “Animal and Livestock Importation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 163.1.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 163.

Purpose and Summary

The proposed amendments modify the pre-entry import permitting required of businesses due to avian influenza or Newcastle outbreaks in their states. Producers for which permitting is required would be identified by their placement in the ten-kilometer circle of an infected site, instead of by the state involved. The time frame for permitting would be reduced from 90 days to 30 days. However, the Department could during the 30-day permitting time identify a different area or time based on epidemiological reasons. In addition, the type of test required is modified, and the name of the Newcastle disease is updated.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 7, 2018. Comments should be directed to:

Margaret Thomson
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: margaret.thomson@iowaagriculture.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **21—65.1(163)**, definition of “Avian influenza- or exotic Newcastle disease-affected state,” as follows:

“Avian influenza- or ~~exotic~~ virulent Newcastle disease-affected state area” or “AI- or ~~END~~-affected state VND-affected area” means ~~any state~~ the ten-kilometer circle in which avian influenza subtype H5 or H7 or ~~END~~ VND virus has been diagnosed in poultry within the last ~~90~~ 30 days prior to importation, unless the department has issued an order during the 30 days identifying a different area or time based on epidemiological reasons.

ITEM 2. Amend subrule 65.2(1) as follows:

65.2(1) Requests for permits should be directed to the Animal Industry Bureau, Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319, or may be made by telephoning the bureau at (515)281-5547 during normal business hours (~~7:30 a.m. to 4:30 p.m.~~).

ITEM 3. Amend paragraph **65.2(3)“b”** as follows:

b. All domestic fowl or poultry originating from an AI- or ~~END-affected state~~ VND-affected area.

ITEM 4. Amend subrule 65.11(2) as follows:

65.11(2) *Restrictions and limitations, general.*

a. All poultry, domestic fowl, and their hatching eggs being imported into the state and not originating from an AI- or ~~END-affected state~~ VND-affected area must have a pre-entry permit issued by the Iowa Poultry Association. This permit may be obtained by calling (515)727-4701, extension ~~40~~ 100.

b. Importations from an AI- or ~~END-affected state~~ VND-affected area.

(1) Approval. All domestic fowl, live poultry or poultry products from an AI- or ~~END-affected state(s)~~ VND-affected area may be considered for importation on a case-by-case basis following a risk assessment.

(2) Documentation. Poultry or poultry products must originate from a flock that is classified as AI clean under provision of the NPIP. The CVI must indicate that the poultry or poultry products originate from an AI- or ~~END-negative~~ VND-negative flock and include a description of the birds, the test date, test results, and the name of the testing laboratory. The initial tests required for pre-entry permitting of a flock from an AI-affected area include polymerase chain reaction (PCR) and agar gel precipitin (AGP) or enzyme-linked immunosorbent assay (ELISA). The PCR test is required for subsequent permitting during the originating area’s continuous designation as AI-affected. PCR is the test required of a flock from a VND-affected area.

(3) Pre-entry permit. All domestic fowl, live poultry or poultry products originating from an AI- or ~~END-affected state~~ VND-affected area must have a pre-entry permit issued by the state veterinarian. Requests for pre-entry permits should be directed to the Animal Industry Bureau, Department of

Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319, or may be made by telephoning (515)281-4103 during normal business hours.

(4) No change.